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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 10/623,204 | 07/18/2003 | Wolfgang Niehoff | GK-EIS-1066 / 500593.2005 | 2873 |
| 7590 10/24/2006 | | | EXAMINER ENSEY, BRIAN | |
| Gerald H. Kiel, Esq. REED SMITH LLP 599 Lexington Avenue New York, NY 10022-7650 | | | ART UNIT 2615 | PAPER NUMBER |

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/623,204 | | NIEHOFF, WOLFGANG | |
| | Examiner | | Art Unit | |
| | Brian Ensey | | 2615 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/4/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Everett U.S. Patent No. 6,690,804 in view of Fuminori Japanese Patent Publication 2001-289675.

Regarding claim 1, Everett discloses a microphone (20) comprising: a color display (100) which is visible from the outside and which signals a ready status of the microphone; and a switching device being provided for switching the color of the display (light source holder is easily replaceable, the color associated with that microphone 20 can be changed as desired, see col. 4, lines 45-47), i.e. manually switched), wherein the microphone is differentiated between other microphones within an area by illuminating a color marking which distinguishes the microphone from other microphones having different color markings (See col. 2, lines 11-25). Everett does not expressly disclose the microphone is a wireless microphone. However, wireless microphones are well known in the art and Fuminori teaches a wireless microphone With an indicating light source (LED) for audio equipment (See translation paragraph 0008). Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to use the wireless feature of Fuminori in the microphone of Everett to allow movement of performers with tangling wires.

Regarding claim 2, the combination of Everett in view of Fuminori further teaches the microphone has multicolored LED elements (Red and green, See Fuminori paragraph 0033),

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wherein the LED lights can be controlled by a switching device in such a way that only a desired color is visible from the outside (Fuminori teaches a circuit changing switch to change the visible LED color to indicate status of the microphone, see paragraphs 0030-0033),

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Everett in view of Fuminori as applied to claim 1 above, in further view of Bejin U.S. Patent No. 5,406,729.

Regarding claim 3, the combination of Everett in view of Fuminori discloses an illumination (100) which emits light is provided in the microphone (200 (See abstract). The combination of Everett in view of Fuminori does not expressly disclose the illumination is white light covered by a rotatable disk in which windows of different colors are formed. However, the use of a rotatable disk in which windows of different colors are formed as a light filter is well known and Bejin teaches an illumination is white light (24) covered by a rotatable disk (25) in which windows of different colors (40) are formed (See Fig. 7 and col. 2, lines 37-42 and col. 3, lines 4-10). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a multicolored, light filtering, rotating disk as taught by Bejin in the device of the combination of Everett in view of Fuminori to provide the function of changing color of the LED while only utilizing a single color LED.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Everett in view of Fuminori as applied to claim 1 above, in further view of Freudenschuss et al. U.S. Patent No. 4,239,356.

Regarding claims 4 and 5, the combination of Everett in view of Fuminori does not expressly disclose LED illumination is pulsed and information can be transmitted by way of the

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illumination and evaluated automatically by a studio TV camera system. However, the combination of Everett in view of Fuminori teaches a wireless communication system with a microphone for use in RF communication (See Fuminori paragraphs 0027 and 0028). The use of pulsed light for data transmission is well known in the art and Freudenschuss teaches a wireless microphone (2) utilizing a light signal transmission system (36,37,38) to transmit data to a TV camera (1) (See Figs. 5 and 6 and col. 2, lines 37-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the data transmitted by the wireless microphone as taught by the combination of Everett in view of Fuminori to a studio TV camera system (See Freudenschuss Figs. 5 and 6 and col. 2, lines 37-64).

Response to Arguments

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Ensey whose telephone number is 571-272-7496. The examiner can normally be reached on Monday - Friday 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:

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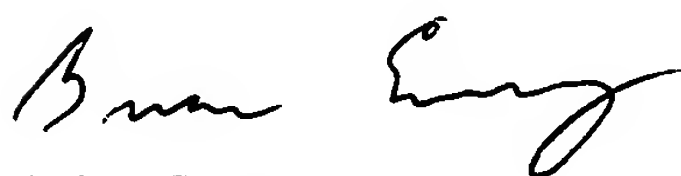
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Brian Ensey
Examiner
October 20, 2006